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OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of :
Agrawal et al. :
Application No. 09/804,993 :
Filed: March 13, 2001 :
Attorney Docket No. U 013307-3 :
Title: PROCESS FOR THE FIXED BED :
SWEETENING OF PETROLEUM :
DISTILLATES USING HALOGENATED :
METAL PHTHALOCYANINE AS A :
CATALYST :

This is in response to the petition under 37 CFR §1.47(a)¹, filed September 21, 2001.

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on March 13, 2001. On April 30, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with §1.63, a surcharge for its late filing, and the basic filing fee. This Notice set a two-month period for reply.

In reply, applicant filed the instant petition (and fee). To make timely this reply, a three-month extension of time has also been submitted. Unfortunately, the check which paid

¹ A grantable petition under 37 C.F.R. §1.47(a) requires:

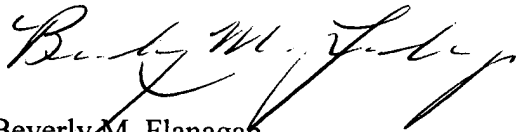
- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review;
- (5) proof that the non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers if the inventor refuses to sign, or proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found, and;
- (6) a declaration which complies with 37 CFR 1.63.

the extension of time, the filing fee, the petition fee, and the surcharge for filing a late oath or declaration has bounced. Consequently, these fees have been charged to counsel's Deposit Account, as authorized. Accompanying the petition was a declaration executed by nine of the twelve inventors, as well as a statement by the petitioner that "the non-signing inventors that are abroad and not likely to return back to India before the due date."²

On October 15, 2001, a fully executed declaration was filed, obviating the need for this petition. As such, this petition is dismissed as moot.

After this decision is mailed, the application will be forwarded to Technology Center 1700 for further processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

² The Petitions Attorney assumes that the petitioner meant to write "return back *from* India", as petitioner's law firm is located in New York City.